

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

IN RE:	§	
	§	
CIRCUIT CITY STORES, INC. <i>et al.</i>,	§	Case No. 08-35653-KRH
	§	(Chapter 11)
Debtors.	§	(Jointly Administered)

**MOTION OF RYAN, INC. F/K/A RYAN & COMPANY, INC.
FOR PERMISSION TO ATTEND AND PARTICIPATE
TELEPHONICALLY AT MARCH 8, 2010 OMNIBUS HEARING**

Ryan, Inc. f/k/a Ryan & Company, Inc. (“Ryan”), by and through the undersigned counsel, and pursuant to the Court’s *Order Pursuant to Bankruptcy Code Sections 102 and 105, Bankruptcy Rules 2002 and 9007, and Local Bankruptcy Rules 2002-1 and 9013-1 Establishing Certain Notice, Case Management and Administrative Procedures*, respectfully requests permission for its lead and local counsel to attend and participate telephonically at the March 8, 2010 omnibus hearing, and in support thereof states as follows:

1. On November 10, 2008, Circuit City Stores, Inc. and its affiliates (collectively the “Debtors”) filed voluntary petitions for relief in this Court commencing the above-captioned procedurally consolidated cases under Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. §101 et seq. (the “Bankruptcy Code”). Debtors remain in control of their assets and business as debtors in possession pursuant to sections 1107 and 1108 of the Bankruptcy Code.

2. On September 29, 2009, the Debtors filed their *First Amended Joint Plan of Liquidation of Circuit City Stores, Inc. and its Affiliated Debtors* (“Plan”). On November 13, 2009, Ryan filed an *Objection* (the “Ryan Plan Objection”) (Docket Entry No. 5647) with respect to the Debtors’ *Plan*. A hearing to consider confirmation of the Debtors’ *Plan* (and the

Bruce W. Akerly, Esq. Texas Bar No. 00953200
BELL NUNNALLY & MARTIN LLP
1400 One McKinney Plaza
3232 McKinney Avenue
Dallas, Texas 75204-2429
(214) 740-1430 Telephone
(214) 740-1421 Facsimile
brucea@bellnunnally.com
Attorneys for Ryan, Inc. f/k/a Ryan & Company, Inc.

Robert M. Marino, Esq. VSB #26076
Redmon Peyton & Braswell, LLP
510 King Street, Suite 301
Alexandria, VA 22314
(703) 684-2000 Telephone
(703) 684-5109 Facsimile
rmmarino@rpb-law.com
Local Attorneys for Ryan, Inc. f/k/a Ryan & Company, Inc.

various objections thereto, including the *Ryan Plan Objection*) has been continued on several occasions and is presently scheduled to take place on March 8, 2010 at 11:00 a.m. (the “March 8 Omnibus Hearing” or “March 8 Omnibus Hearing Date”), which is a regularly scheduled omnibus hearing date in this case.

3. Also on November 13, 2009, Ryan filed a *Motion to Compel Debtor Circuit City Stores, Inc. to Assume Executory Contract* (“Motion to Compel”) (Docket Entry No. 5648). A hearing on the Motion to Compel has been variously continued and is presently scheduled to take place on the March 8 Omnibus Hearing Date.

4. Finally, on January 28, 2010, the Debtors filed their *Eighth Omnibus Motion for Order Pursuant to Bankruptcy Code Sections 105(a) and 365(a) and Bankruptcy Rule 6006 Authorizing Rejection of Certain Executory Contracts* (the “Motion to Reject”) (Docket Entry No. 6416) seeking to reject an executory contract between Ryan and the Debtors that is the subject of the *Motion to Compel*. Ryan filed its *Response* thereto on February 10, 2010 (Docket Entry No. 6506). A hearing on the *Motion to Reject* and Ryan’s *Response* thereto has been continued and is presently scheduled to take place on the March 8 Omnibus Hearing Date.

5. Redmon Peyton & Braswell, LLP, a law firm with its offices in Alexandria, Virginia, is acting as local counsel for the law firm of Bell Nunnally & Martin LLP, a law firm based in Dallas, Texas. Both firms are several hours away from the Court by airplane or car.

6. The parties agree that any issues to be presented at the March 8 Omnibus Hearing with respect to the *Ryan Plan Objection*, the *Motion to Compel*, and the *Motion to Reject* will be confined to legal argument, with the understanding that if there are any evidentiary issues that they will be deferred to another date subject to entry of a scheduling order by the Court. Counsel for Ryan does not believe that their presentation of legal argument will require more than fifteen

to twenty minutes. With that in mind, the undersigned counsel would respectfully seek authority from the Court to participate telephonically on behalf of Ryan at the March 8 Omnibus Hearing.

7. Telephonic participation will avoid substantial travel expense for Ryan and serve the interests of justice in this case.

WHEREFORE, Ryan respectfully requests that the Court enter an order permitting the undersigned counsel from Redmon Peyton & Braswell, LLP and Bell Nunnally & Martin, LLP, to participate telephonically at the March 8 Omnibus Hearing and provide such other and further relief as may be just and proper.

Dated: February 12, 2010

Respectfully submitted,

/s/ Bruce W. Akerly
Bruce W. Akerly, Texas Bar No. 00953200
Admitted *Pro Hac Vice*
BELL NUNNALLY & MARTIN LLP
3232 McKinney Avenue, Suite 1400
Dallas, Texas 75204-2429
Tel: (214) 740-1430
Fax: (214) 740-1421
Attorneys For Ryan, Inc.
f/k/a Ryan & Company, Inc.

and

/s/ Robert M. Marino
Robert M. Marino, VSB#26076
Redmon Peyton & Braswell, LLP
510 King Street, Suite 301
Alexandria, VA 22314
(703) 684-2000 Telephone
(703) 684-5109 Facsimile
Local Attorneys For Ryan, Inc.
f/k/a Ryan & Company, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing pleading was served electronically through the ECF System on February 12, 2010, upon all persons, entities and parties-in-interest who have entered their appearance and requested to receive notice in this case, and by email upon Daniel F. Blanks, Esq., McGuireWoods, LLP, dblanksmcguirewoods.com.

/s/ Robert M. Marino
Robert M. Marino